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OFFICE OF PETITIONS

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In re Patent No. 6,979,546  
Issued: December 27, 2005  
Application No. 10/036,444  
Filed: January 7, 2002  
Atty. Dkt. No.: 1721-44

: LETTER REGARDING PTA and  
: NOTICE OF INTENT TO ISSUE  
: CERTIFICATE OF CORRECTION  
:  
:

This letter is in response to the "COMMUNICATION IN RESPONSE TO LETTER REGARDING PTA," filed May 23, 2006. The Office thanks patentees for their good faith and candor in bringing this to our attention.

The above-identified application issued as U.S. Pat. No. 6,979,546 on December 27, 2005. The patent issued with a patent term adjustment (PTA) of 291 days. Patentees, however, indicate that the patent is entitled to an adjustment of 260 days, rather 291 days.

Patentees indicate that a Notice to File Corrected Application Papers was mailed February 6, 2002, but that a response was not submitted until June 6, 2002, resulting in a reduction under 37 CFR 1.704(b) of 31 days.

Further review of the record reveals that patentees are correct in that the Office failed to reduce the patent term 31 days in connection with the response submitted June 6, 2002. Thus, at the time of issuance, the adjustment of 354 days should have been reduced 94 days, as indicated by patentees, for applicants' failure to engage in reasonable efforts to conclude prosecution under 37 CFR 1.704.

In view thereof, at the time of issuance, the patent was entitled to an adjustment of 260 days, as indicated by patentees.

As this letter was submitted as an advisement to the Office of an error in patentees' favor, no fee is due in connection with this matter. The Office again thanks applicants for their good faith and candor in bringing this to the attention of the Office.

This application will be forwarded to the Certificate of Corrections branch for issuance of a certificate of correction to indicate that the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 260 days.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Alesia M. Brown at (571) 272-3205.

*Kery AF*

Kery Fries  
Senior Legal Advisor  
Office of Patent Legal Administration  
Office of Deputy Commissioner  
for Patent Examination Policy

Enclosure: Copy of Adjustment PAIR Calculation

UNITED STATES PATENT AND TRADEMARK OFFICE  
**CERTIFICATE OF CORRECTION**

PATENT : 6,979,546 B2  
DATED : December 27, 2005  
INVENTOR(S) : Moretta, et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[\*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 291 days

Delete the phrase "by 291 days" and insert -- by 260 days--